

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
CATHERINE C. BLAKE
UNITED STATES DISTRICT JUDGE

U.S. COURTHOUSE
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July 21, 2023

MEMORANDUM TO COUNSEL

Re: *Smith & Nephew Birmingham Hip Resurfacing (BHR) Hip Implant MDL*
Master Docket No. 17-md-2775

Dear Counsel:

This will confirm the results of our status conference held in court on July 18, 2023.

First, I appreciate the efforts on both sides to move forward with resolution of the cases in several settlement groups. It appears that only a limited number of cases, currently estimated at 15, eventually will need remand. Particular attention may need to be paid to cases where the plaintiffs are representing themselves.

Second, counsel are exchanging draft remand memoranda, with plaintiffs' counsel planning to respond in the near future to Smith & Nephew's latest proposal.

Third, plaintiffs' counsel will respond to the recent proposal from Smith & Nephew regarding unsealing of documents.

Fourth, defense counsel requested and received permission to file a motion, if necessary, seeking to dismiss without prejudice a small number of cases where no revision has yet occurred.

Fifth, certain individual cases were discussed. Plaintiffs' lead counsel advised that he plans to file a supplemental request for reimbursement for individual counsel in a particular case. Smith & Nephew plans to respond to the motion to vacate dismissal filed in *Bellan v. Smith & Nephew, Inc.* (Civil No. CCB-18-3163) and should do so by August 18, 2023. The court will contact counsel in *Williams v. Smith & Nephew, Inc.* (Civil No. CCB-14-3138) filed in the District of Maryland to discuss a schedule for any discovery and motions practice that may be needed.

Finally, I look forward to receiving an updated status report on August 18, 2023. Thereafter I expect to schedule another conference in court in September.

Despite the informal nature of this letter, it shall constitute an Order of Court, and the Clerk is directed to docket it accordingly.

Very truly yours,

/s/

Catherine C. Blake
United States District Judge